

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

**CORMIE'S GROCERY & DELI, INC. : CIVIL ACTION NO. 12-562**  
**D/B/A CORMIE'S GROCERY**

**VERSUS**

**: JUDGE TRIMBLE**  
**COLONY INSURANCE COMPANY,**  
**MIKE DEMARIE, and**  
**MIKE DEMARIE INSURANCE**  
**AGENCY, INC. : MAGISTRATE JUDGE KAY**

**REPORT AND RECOMMENDATION**

In a separately issued Memorandum Order, this court denied plaintiff's motion to remand [doc. 8] and determined that plaintiff has not stated a cause of action against joined defendants Mike Demarie and Mike Demarie Insurance Agency, Inc. (together "Demarie").

Demarie has filed a motion to dismiss [doc. 23] and for the reasons stated in the Memorandum Order this court recommends that the motion be GRANTED and the plaintiff's claims against Demarie be DISMISSED.

Under the provisions of 28 U.S.C. § 636 and Rule 72, parties aggrieved by this recommendation have fourteen (14) business days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen days after being served with a copy of any objections or response to the District judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service, or within the time frame authorized by Fed.R.Civ.P. 6(b), shall

bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. *See, Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

THUS DONE AND SIGNED in Chambers this 16<sup>th</sup> day of July, 2012.

  
\_\_\_\_\_  
KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE